IN THE HIGH COURT OF BOMBAY AT GOA, PANAJI-GOA.

APPEAL FROM ORDER NO. 59 OF 2003

1. Smt. Mina Vaidya
   widow of Shri Anant Gopal Vaidya,
   aged about 45 years.

2. Shri Abhijit Anant Vaidya
   Major in age, son of late Anant Gopal Vaidya.

3. Shri Amol Anant Vaidya
   Major in age, son of late Anant Gopal Vaidya.

   All residents of 3rd floor,
   'A' Building, Hema Apartments,
   Borda, Margao-Goa. .... Appellants

Versus

M/s Agason Builders,
A proprietorship concern
Represented by its proprietor
Shri Badrodin Aga, son of Amid Aga,
Married, businessman,
Resident of House Panditwada,
Ponda-Goa. .... Respondent

Shri Sudin M.S. Usgaonkar, Advocate for Appellants.

Shri F.M. Reis, Advocate for the Respondent.

CORAM : **P.V. KAKADE, J.**

DATE : **8th November, 2006**

ORAL JUDGMENT:

Heard the learned Counsel for both the parties. Perused the record.

2. This is an appeal preferred by the appellants against the order of injunction which was granted against them by the Court of Civil Judge, Senior Division, Ponda, by order dated 16/06/2003.

3. In the course of hearing of the matter it appeared that instead of deciding this matter on merits, it would be in the interest both the parties to expedite the suit itself on merits as it is of the year 2002, instead of deciding this appeal at this stage which is of the year 2003.

4. Hence, it is directed that the trial Judge shall expedite the hearing of the suit so as to complete the adjudication of the suit, after giving opportunity to both the sides to lead evidence, within 6 months from the date of receipt of the writ of this Court. In the meantime, the order of temporary injunction issued by the trial Court stands vacated with condition that that the parties shall maintain status quo as on today with regard to the

suit property and this order is subject to final adjudication of the suit itself. With these directions, the appeal stands disposed of with no order as to costs.

P.V. KAKADE, J.

NH